



PRELIMINARY DRAFT

No. 3134

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2011 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 1-1-2-3; IC 4-4-11-16.2; IC 4-13.5-1; IC 5-1-17-0.3; IC 5-10.2; IC 5-13-12-8.6; IC 5-28-26-0.3; IC 7.1-5-8-0.3; IC 7.1-6-2-0.3; IC 8-1-8.9-0.3; IC 8-22-3-4.4; IC 9-24-6-2.7; IC 9-29; IC 13-11-2-0.1; IC 23-16-2-0.2; IC 23-17-1-0.2; IC 23-19-1-0.2; IC 24-9-5-4.1; IC 33-38-7-0.2; IC 36-3-1-0.3; IC 36-7-31.3-9.3; IC 36-7.5-0.1.

Synopsis: Noncode statutes. Codifies certain noncode provisions relating to statements of legislative findings, legislative purpose, and construction of statutes. Repeals the corresponding noncode provisions. Repeals without codification the following noncode statutes relating to statements of legislative findings, legislative purpose, and construction of statutes: (1) A 1991 statute relating to the construction of amendments to a subsequently repealed section of the Indiana Code. (2) A 1992 statute stating the general assembly's intent regarding state tuition support. (3) A 1995 statute stating that the intent of the enactment of two Indiana Code statutes (since repealed) is to clarify the law. (4) A 2001 statute concerning references to the division of mental health. (5) A 2008 statute stating findings regarding appropriations for health education centers under the 2007 biennial budget. (6) Two 2009 statutes directing the publisher of the Indiana Code regarding the language to be published by amendments made by the act.

Effective: July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 1-1-2-3 IS ADDED TO THE INDIANA CODE AS
2 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2011]: **Sec. 3. (a) P.L.2-1998 is intended to resolve technical**
4 **conflicts among acts enacted by the general assembly and to**
5 **correct other technical errors. P.L.2-1998 is not intended to change**
6 **the intended effective date of any statute or otherwise result in any**
7 **substantive change in the law.**

8 **(b) P.L.2-1998 does not affect any:**

9 **(1) rights or liabilities accrued;**

10 **(2) penalties incurred;**

11 **(3) violations committed; or**

12 **(4) proceedings begun;**

13 **before the effective date of P.L.2-1998. Those rights, liabilities,**
14 **penalties, offenses, and proceedings continue and shall be imposed**
15 **and enforced under prior law as if P.L.2-1998 had not been**
16 **enacted.**

17 **(c) Any reference in any statute or rule to a statute that is**
18 **repealed and replaced in the same or a different form by**
19 **P.L.2-1998 shall be treated after the effective date of the new**
20 **provision as a reference to the new provision.**

21 SECTION 2. IC 4-4-11-16.2 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2011]: **Sec. 16.2. Notwithstanding the expiration of section 16.1**
24 **of this chapter on December 31, 2002, a loan guarantee made by**
25 **the Indiana development finance authority under that section**
26 **before December 31, 2002, remains a valid and binding obligation**
27 **of the Indiana development finance authority after December 31,**
28 **2002, as if section 16.1 of this chapter had not expired.**

29 SECTION 3. IC 4-13.5-1-11 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2011]: **Sec. 11. (a) The general assembly finds that the state needs**



1 construction, equipping, renovation, refurbishing, or alteration of
 2 the following correctional facilities for use by the department of
 3 correction:

4 (1) One (1) additional medium security correctional facility
 5 for adult males, also known as phase I of the Miami
 6 Correctional Facility.

7 (2) One (1) additional correctional facility for male juveniles.

8 (3) One (1) special needs facility that is converted from an
 9 existing state institution.

10 (b) The general assembly finds that the state will have a
 11 continuing need for use and occupancy of the correctional facilities
 12 described in subsection (a).

13 (c) The general assembly authorizes the state office building
 14 commission to provide under this chapter and IC 4-13.5-4 the
 15 correctional facilities described in subsection (a), including the
 16 borrowing of money or the issuance and sale of bonds, or both,
 17 under IC 4-13.5-4, subject to the approval of the budget agency
 18 after review by the budget committee.

19 (d) The general assembly finds that the state needs the
 20 construction of a state museum facility and authorizes the state
 21 office building commission to provide the museum under this
 22 chapter and IC 4-13.5-4, including the borrowing of money or the
 23 issuance and sale of bonds, or both, under IC 4-13.5-4, subject to
 24 the approval of the budget agency after review by the budget
 25 committee.

26 (e) This section codifies P.L.260-1997, SECTION 36.

27 (f) This section does not authorize any:

28 (1) construction; or

29 (2) issuance of bonds or other evidences of indebtedness;

30 other than authorized by P.L.260-1997, SECTION 36.

31 SECTION 4. IC 4-13.5-1-12 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2011]: Sec. 12. (a) The general assembly finds that the state needs
 34 the construction, equipping, purchasing, leasing, renovation,
 35 refurbishing, or alteration of communications system
 36 infrastructure (as defined in IC 5-26-5-1).

37 (b) The general assembly finds that the state will have a
 38 continuing need for use and occupancy of the communications
 39 system infrastructure described in subsection (a). The general
 40 assembly authorizes the state office building commission to provide
 41 under this chapter and IC 4-13.5-4 the communications system
 42 infrastructure described in subsection (a), including the borrowing
 43 of money or the issuance and sale of bonds, or both, under
 44 IC 4-13.5-4.

45 (c) This section codifies P.L.123-2002, SECTION 61.

46 (d) This section does not authorize any:



1 (1) construction; or
 2 (2) issuance of bonds or other evidences of indebtedness;
 3 other than authorized by P.L.123-2002, SECTION 61.

4 SECTION 5. IC 4-13.5-1-13 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2011]: Sec. 13. (a) The general assembly finds that the state needs
 7 the construction, equipping, renovation, refurbishing, or alteration
 8 of not more than one (1) regional health center.

9 (b) The general assembly finds that the state will have a
 10 continuing need for use and occupancy of the health center
 11 described in subsection (a). The general assembly authorizes the
 12 state office building commission to provide under this chapter and
 13 IC 4-13.5-4 the health center described in subsection (a).

14 (c) This section codifies P.L.224-2003, SECTION 111.

15 (d) This section does not authorize any:

16 (1) construction; or
 17 (2) issuance of bonds or other evidences of indebtedness;
 18 other than authorized by P.L.224-2003, SECTION 111.

19 SECTION 6. IC 4-13.5-1-14 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2011]: Sec. 14. (a) As used in this section, "laboratory facilities"
 22 means land, buildings, structures, improvements and equipment,
 23 and related facilities for the use and occupancy of state agencies
 24 and the state department of toxicology.

25 (b) The general assembly finds that the state needs the
 26 construction, equipping, purchasing, leasing, renovation,
 27 refurbishing, or alteration of laboratory facilities for the use of
 28 agencies of the state, including the state police department created
 29 by IC 10-11-2-4, the state department of health established by
 30 IC 16-19-1-1, and, notwithstanding section 1 of this chapter, the
 31 state department of toxicology of the Indiana University School of
 32 Medicine established under IC 21-45-3-1.

33 (c) The general assembly finds that the state will have a
 34 continuing need for use and occupancy of the laboratory facilities.

35 (d) The general assembly authorizes the state office building
 36 commission to provide under this chapter and IC 4-13.5-4 the
 37 laboratory facilities, including the borrowing of money or the
 38 issuance and sale of bonds, or both, under IC 4-13.5-4.

39 (e) This section codifies P.L.224-2003, SECTION 112.

40 (f) This section does not authorize any:

41 (1) construction; or
 42 (2) issuance of bonds or other evidences of indebtedness;
 43 other than authorized by P.L.224-2003, SECTION 112.

44 SECTION 7. IC 5-1-17-0.3 IS ADDED TO THE INDIANA CODE
 45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 46 1, 2011]: Sec. 0.3. The general assembly finds the following:



(1) Marion, Boone, Johnson, Hamilton, Hancock, Hendricks, Morgan, and Shelby counties, and certain municipalities located in those counties, face unique and distinct challenges and opportunities related to the economic development issues associated with the construction and maintenance of a world-class convention center and stadium facility in Indianapolis.

(2) A unique approach is required to ensure that these counties have sufficient revenue sources to allow them to meet these challenges and opportunities.

(3) The powers and responsibilities provided to these counties and to the Indiana stadium and convention building authority created by this act are appropriate and necessary to carry out the public purposes of encouraging and fostering economic development in central Indiana and constructing a world-class convention center and stadium facility in Indianapolis.

(4) The retention of a National Football League franchised professional football team in Indianapolis poses unique challenges due to the need for development of a world class football stadium and related infrastructure that would not be needed apart from the needs related to the retention of a National Football League franchised professional football team in Indianapolis.

(5) The retention of a National Football League franchised professional football team in Indianapolis is critical to successful economic development in Indianapolis and is a public purpose.

(6) Encouragement of economic development in Indianapolis will:

(A) generate significant economic activity, a substantial portion of which results from persons residing outside Indiana, which may attract new businesses and encourage existing businesses to remain or expand in Indianapolis;

(B) promote the consolidated city to residents outside Indiana, which may attract residents outside Indiana and new businesses to relocate to the Indianapolis area;

(C) protect and increase state and local tax revenues; and

(D) encourage overall economic growth in Indianapolis and in Indiana.

(7) Indianapolis faces unique challenges in the development of infrastructure and other facilities necessary to promote economic development as a result of its need to rely on sources of revenue other than property taxes, due to the large number of tax exempt properties located in Indianapolis because Indianapolis is the seat of government, the home to



multiple institutions of higher education, and the site of numerous state and regional nonprofit corporations.

(8) Economic development benefits the health and welfare of the people of Indiana, is a public use and purpose for which public money may be spent, and is of public utility and benefit.

SECTION 8. IC 5-10.2-9-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. The general assembly finds the following:**

(1) Mandatory divestment by the funds of the funds' holdings in certain companies is a measure that should be employed only under extraordinary circumstances.

(2) The Congress and President of the United States have declared that genocide is occurring in the Darfur region of Sudan.

(3) The Sudan crisis represents the first time the government of the United States has labeled ongoing atrocities a genocide.

(4) The situation in Sudan is unique and constitutes the extraordinary circumstances necessary for mandatory divestment by the funds of the funds' holdings in scrutinized companies with active business operations in Sudan.

SECTION 9. IC 5-10.2-10-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. The general assembly finds the following:**

(1) Mandatory divestment by the funds of the funds' holdings in certain companies is a measure that should be employed only under extraordinary circumstances.

(2) States that are designated as a state sponsor of terror by the Secretary of State of the United States are providing military, financial, political, diplomatic, and organizational aid to known terrorist groups.

(3) Support for terrorism and the acquisition of weapons of mass destruction represent a grave threat to the security of the United States and to the citizens of Indiana.

(4) The threat from terrorism to the security of the United States and to the citizens of Indiana constitutes the extraordinary circumstances necessary for mandatory divestment by the funds of the funds' holdings in scrutinized companies with active business operations in a state sponsor of terror.

SECTION 10. IC 5-13-12-8.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8.6. Notwithstanding the expiration of section 8.5 of this chapter on December 31, 2002, a**



1 loan guarantee made by the board for depositories under that
 2 section before December 31, 2002, remains a valid and binding
 3 obligation of the board for depositories after December 31, 2002,
 4 as if section 8.5 of this chapter had not expired.

5 SECTION 11. IC 5-28-26-0.3 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. (a) The counties served by the**
 8 **Eastern Indiana Economic Development District comprise an area**
 9 **that:**

10 (1) is at a competitive disadvantage for economic development
 11 due to the area's rural character;

12 (2) faces unique challenges because the area borders another
 13 state;

14 (3) consistently ranks among the highest areas in
 15 unemployment in Indiana; and

16 (4) is served by an interstate highway and rail infrastructure
 17 that is well suited for the development of a proposed global
 18 commerce center.

19 (b) These special circumstances require legislation particular to
 20 the counties.

21 SECTION 12. IC 7.1-5-8-0.3 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. The intent and purpose of the**
 24 **amendments made to sections 4, 5, and 6 of this chapter by**
 25 **P.L.94-2008 are the promotion of performing arts in Indiana.**

26 SECTION 13. IC 7.1-6-2-0.3 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. It is the intent of the general**
 29 **assembly that this article be:**

30 (1) implemented in an equitable and a uniform manner
 31 throughout Indiana; and

32 (2) enforced to ensure the eligibility for and receipt of any
 33 federal funds or grants that the state receives or may receive
 34 relating to P.L.256-1996.

35 SECTION 14. IC 8-1-8.9-0.3 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. The general assembly finds**
 38 **the following:**

39 (1) The development of coal gasification facilities in Indiana
 40 that would use local coal resources for the production of
 41 substitute natural gas is in the public interest for purposes of:

42 (A) reducing the reliance of Indiana energy utilities on gas
 43 imports;

44 (B) mitigating price and supply risk;

45 (C) improving price stability; and

46 (D) promoting economic development and job creation.



(2) Coal gasification is encouraged by federal policies intended to increase the energy independence of the United States, including through the availability of tax incentives and loan guarantees.

(3) Indiana has the necessary resources and infrastructure suitable for development of coal gasification facilities.

(4) The receipt of federal incentives for the development, construction, and financing of new coal gasification facilities in Indiana will be enhanced by Indiana energy utilities entering into long term contracts for the purchase of substitute natural gas produced by such facilities.

(5) It is necessary to allow Indiana energy utilities to recover, through rate adjustments for the utility's customers, costs incurred from entering into supply contracts for substitute natural gas in order to promote the creation of such contracts without causing Indiana energy utilities to incur undue risk.

SECTION 15. IC 8-22-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4.4. The general assembly finds that development of the certified air carrier airport, owned and operated by the Indianapolis Airport Authority, may impact persons residing outside Marion County but within close proximity to the airport. In order to address the concerns of these persons, the general assembly finds that it is appropriate to appoint to the board of the Indianapolis Airport Authority (described in section 4.1 of this chapter) a member from a county, described in section 4.1(e) of this chapter, that is located in close proximity to a certified air carrier airport described in this section.**

SECTION 16. IC 9-24-6-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2.7. It is the intent of the general assembly that an individual who is a resident of another state but who attends a truck driver training school in Indiana be allowed to apply for a commercial driver's license learner's permit from Indiana.**

SECTION 17. IC 9-29-3-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. If P.L.291-2001 imposes an additional service fee under section 4, 6, 7, 8, 9, 10, 11, 12, 14, or 18 of this chapter that is payable into a fund other than the state motor vehicle technology fund established by IC 9-29-16, the general assembly intends that both the service fees imposed under P.L.291-2001 and P.L.176-2001 shall be collected.**

SECTION 18. IC 9-29-15-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. If P.L.291-2001 imposes an additional service fee under section 1 or 4 of this chapter that is**



payable into a fund other than the state motor vehicle technology fund established by IC 9-29-16, the general assembly intends that both the service fees imposed under P.L.291-2001 and P.L.176-2001 shall be collected.

SECTION 19. IC 13-11-2-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 148(e) of this chapter by P.L.212-1999, SECTION 3 shall not be construed to affect any litigation filed before January 1, 1999.**

SECTION 20. IC 23-16-2-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The repeal of IC 23-4-2 by P.L.147-1988 does not impair:**

- (1) or otherwise affect the organization or the continued existence of a limited partnership existing before July 1, 1988; or
- (2) any contract or affect any right accrued before July 1, 1988.

SECTION 21. IC 23-17-1-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. (a) Except as provided in subsection (b), the repeal of IC 23-7-1.1 by P.L.179-1991 does not affect the following:**

(1) Any action taken:

(A) under:

- (i) IC 23-7-1.1;
- (ii) the Indiana general not for profit corporation act of 1935; or
- (iii) any prior law under which domestic nonprofit entities were organized;

before the repeal of IC 23-7-1.1; or

(B) before the applicability of P.L.179-1991 to a nonprofit entity;

whichever is later, including the continuing validity of a domestic nonprofit entity's articles of incorporation, bylaws, or other organic documents, indemnification provisions for directors, officers, employees, and agents, resolutions of the board of directors or governing body and name.

(2) A ratification, a right, a remedy, a privilege, an obligation, or a liability acquired, accrued, or incurred before the applicability of P.L.179-1991 to a nonprofit entity under:

- (A) IC 23-7-1.1 (before its repeal);**
- (B) the Indiana general not for profit corporation act of 1935 before the repeal of IC 23-7-1.1; or**
- (C) any prior law under which domestic nonprofit entities**



1 were organized.

2 (3) A:

3 (A) violation of:

4 (i) IC 23-7-1.1 (before its repeal);

5 (ii) the Indiana general not for profit corporation act of
6 1935; or

7 (iii) any prior law under which domestic nonprofit
8 entities were organized; or

9 (B) penalty, forfeiture, or punishment incurred because of
10 the violation before the applicability of P.L.179-1991 to a
11 nonprofit entity.

12 (4) A proceeding, reorganization, or dissolution commenced
13 before the applicability of P.L.179-1991 to a nonprofit entity
14 under:

15 (A) IC 23-7-1.1 (before its repeal);

16 (B) the Indiana general not for profit corporation act of
17 1935 before the repeal of IC 23-7-1.1; or

18 (C) any prior law under which domestic nonprofit entities
19 were organized.

20 The proceeding, reorganization, or dissolution may be
21 completed in accordance with IC 23-7-1.1 (before its repeal),
22 the Indiana general not for profit corporation act of 1935, or
23 any prior law under which nonprofit corporations were
24 organized as if P.L.179-1991 had not been enacted.

25 (5) Any action as a result of a meeting of members or
26 directors or action by written consent taken before the
27 applicability of P.L.179-1991 to a nonprofit entity.

28 (b) If a penalty or punishment imposed for a violation of:

29 (1) IC 23-7-1.1 (before its repeal);

30 (2) the Indiana general not for profit corporation act of 1935;
31 or

32 (3) any prior law under which domestic nonprofit entities
33 were organized;

34 is reduced by P.L.179-1991, the penalty or punishment shall, if not
35 already imposed, be imposed in accordance with P.L.179-1991.

36 SECTION 22. IC 23-19-1-0.2 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The predecessor act
39 exclusively governs all actions or proceedings that are pending on
40 June 30, 2008, or may be instituted on the basis of conduct
41 occurring before July 1, 2008, but a civil action may not be
42 maintained to enforce any liability under the predecessor act unless
43 instituted within any period of limitation that applied when the
44 cause of action accrued or within five (5) years after June 30, 2008,
45 whichever is earlier.

46 (b) All effective registrations under the predecessor act and all



1 administrative orders relating to the registrations, rules,
 2 statements of policy, interpretative opinions, declaratory rulings,
 3 no-action determinations, and conditions imposed on the
 4 registrations under the predecessor act remain in effect while they
 5 would have remained in effect if this article had not been enacted,
 6 and are considered to have been filed, issued, or imposed under this
 7 article, but are exclusively governed by the predecessor act.

8 (c) The predecessor act exclusively applies to an offer or sale
 9 made within one (1) year after June 30, 2008, under an offering
 10 made in good faith before July 1, 2008, on the basis of an
 11 exemption available under the predecessor act.

12 SECTION 23. IC 24-9-5-4.1 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2011]: Sec. 4.1. The general assembly intends the amendment of
 15 section 4(c) of this chapter made by P.L.3-2005 to:

16 (1) be construed together with section 4(c) of this chapter as
 17 enacted by P.L.73-2004, SECTION 33; and

18 (2) apply as if the language of section 4(c) of this chapter, as
 19 amended by P.L.3-2005, SECTION 1, had been part of section
 20 4(c) of this chapter as first enacted.

21 SECTION 24. IC 33-38-7-0.2 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: Sec. 0.2. (a) As used in this section,
 24 "prior law" refers to IC 33-13-9.1 (before its repeal).

25 (b) As used in this section, "repealed statutes" refers to the
 26 following:

27 (1) IC 33-13-8-1.

28 (2) IC 33-13-8-4.

29 (3) IC 33-13-8-10.

30 (4) IC 33-13-8-10.1.

31 (5) IC 33-13-8-11.

32 (6) IC 33-13-8-12.

33 (7) IC 33-13-8-13.

34 (8) IC 33-13-8-14.1.

35 (c) The prior law was intended to be a codification and
 36 restatement of applicable or corresponding provisions of the
 37 repealed statutes. If the prior law replaces a law in the same form
 38 or in a restated form, the substantive operation and effect of that
 39 repealed statute continue uninterrupted.

40 (d) The prior law and the repeal of the repealed statutes do not
 41 affect:

42 (1) rights or liabilities accrued;

43 (2) penalties incurred;

44 (3) crimes committed; or

45 (4) proceedings begun;

46 before September 1, 1985. Those rights, liabilities, penalties,



1 crimes, and proceedings continue and shall be imposed and
 2 enforced as if the prior law had not been enacted and the repealed
 3 statutes had not been repealed.

4 SECTION 25. IC 36-3-1-0.3 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2011]: **Sec. 0.3. The general assembly finds the following:**

7 (1) A consolidated city faces unique budget challenges due to
 8 a high demand for services combined with the large number
 9 of tax exempt properties located in a consolidated city as the
 10 seat of state government, home to several institutions of
 11 higher education, and home to numerous national, state, and
 12 regional nonprofit corporations.

13 (2) By virtue of its size and population density, a consolidated
 14 city has unique overlapping territories of county and city
 15 government and an absence of unincorporated areas within
 16 its county.

17 (3) Substantial operational efficiencies, reduction of
 18 administrative costs, and economies of scale may be obtained
 19 in a consolidated city through consolidation of certain county,
 20 city, and township functions.

21 (4) Consolidation of certain county, city, and township
 22 services and operations will serve the public purpose by
 23 allowing the consolidated city to:

24 (A) eliminate duplicative services;

25 (B) provide better coordinated and more uniform delivery
 26 of local governmental services;

27 (C) provide uniform oversight and accountability for the
 28 budgets for local governmental services; and

29 (D) allow local government services to be provided more
 30 efficiently and at a lower cost than without consolidation.

31 (5) Efficient and fiscally responsible operation of local
 32 government benefits the health and welfare of the citizens of
 33 a consolidated city and is of public utility and benefit.

34 (6) The public purpose of those parts of P.L.227-2005 relating
 35 to a consolidated city is to provide a consolidated city with the
 36 means to perform essential governmental services for its
 37 citizens in an effective, efficient, and fiscally responsible
 38 manner.

39 SECTION 26. IC 36-7-31.3-9.3 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2011]: **Sec. 9.3. The general assembly finds**
 42 **that the city of Marion is subject to special circumstances that**
 43 **justify special legislation to allow the city of Marion to establish a**
 44 **tax area under section 9 of this chapter, before January 1, 2005.**

45 SECTION 27. IC 36-7.5-0.1 IS ADDED TO THE INDIANA CODE
 46 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2011]:

Chapter 0.1. Findings

Sec. 1. The general assembly finds the following:

(1) The eligible counties face unique and distinct challenges and opportunities related to transportation and economic development that are different in scope and type than those faced by other units of local government in Indiana.

(2) A unique approach is required to fully take advantage of the economic development potential of the Chicago, South Shore, and South Bend Railway and the Gary/Chicago International Airport and the Lake Michigan shoreline.

(3) The powers and responsibilities provided to the development authority are appropriate and necessary to carry out the public purposes of encouraging economic development and further facilitating the provision of air, rail, and bus transportation services, projects, and facilities, shoreline development projects, and economic development projects in the eligible counties.

SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: P.L.293-1985, SECTION 15; P.L.147-1988, SECTION 3; P.L.1-1991, SECTION 222; P.L.43-1992, SECTION 19; P.L.96-1993, SECTION 19; P.L.85-1995, SECTION 45; P.L.256-1996, SECTION 14; P.L.260-1997, SECTION 36; P.L.2-1998, SECTION 92; P.L.212-1999, SECTION 10; P.L.176-2001, SECTION 35; P.L.215-2001, SECTION 113; P.L.291-2001, SECTION 148; P.L.123-2002; SECTION 61; P.L.224-2003, SECTION 111; P.L.224-2003, SECTION 112; P.L.64-2004, SECTION 41; P.L.83-2004, SECTION 3; P.L.3-2005, SECTION 2; P.L.203-2005, SECTION 17; P.L.214-2005, SECTION 89; P.L.214-2005, SECTION 94; P.L.227-2005, SECTION 53; P.L.188-2006, SECTION 10; P.L.27-2007, SECTION 38; P.L.149-2007, SECTION 5; P.L.175-2007, SECTION 22; P.L.94-2008, SECTION 67; P.L.131-2008, SECTION 67; P.L.67-2009, SECTION 3; P.L.182-2009(ss), SECTION 515; P.L.182-2009(ss), SECTION 517.

